

REMARKS

Claims 1-15, 30, 37, 43 and 44 are pending in this application. Of these pending claims, Claims 1-15, 30, 37 and 43 stand rejected and Claim 44 stands allowed. By way of this paper, Claim 1 has been amended.

Applicants gratefully acknowledge the Examiner's indication of allowability of Claim 44.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

As to Claims 1-15, Claims 1 and 9 have been amended to include the method step of rendering images on the display device using the adjusted device-independent color coordinates based on the suggestion by the Examiner. Applicants appreciate this suggestion, and believe that the amended claim fulfills the Examiner's expectations. Claims 2-8 depend from Claim 1 and Claims 10-15 depend from Claim 9. The dependent claims are allowable at least for the same reasons as their parent claims.

Claims 30, 37 and 43 stand rejected on the grounds that they do not include claim language such as "*rendering substantially visually equivalent images.*" It is noted that these claims are directed to apparatus, and that there should be no need to provide a method step of rendering in such a claim. The claims identify physical structures of a system in terms of its hardware and software combination. See, e.g., *Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdam*, 33 F.3d at 1361-62, 31 USPQ2d at 1760. The defined product has a practical application that transforms data through a series of calculations into a final adjusted device-independent color coordinates that constitutes a useful, concrete and tangible result. There is no requirement under 35 U.S.C. 101 for such a product to be anything other than the transformed data *per se*.

As to the second grounds of rejection of Claim 30 in paragraph 1 of the Office Action, Applicant's attorney fails to find the language "*a computer readable medium comprising...a data structure*" in the claim. It is requested that the Examiner review Claim 30 and restate the objections thereto.

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.